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August 8, 2011

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capital Heights, MD 20743

Subject: Appeal of USAC Funding Decision – Docket 02-6

2010 Application 752764

FRN 2034369

Dear Ms. Dortch

Please consider the attached appeal filed on behalf of Toras Imecha dba Bnos Bina.

If you require additional information please let me know.

Sincerely,

Robert Sniecinski

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9300 East Hampton Drive
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Subject: Appeal of USAC Funding Decision – Docket 02-6

Request for Remand to USAC for Further Review

Applicant: Toras Imecha dba Bnos Bina
BEN 210389
471 Application 752764
FRN 2034369
SPIN: 143008617

USAC Denial Reason

The appeal to USAC for FRN 2034369 was denied because the appeal was not filed within the 60 day window from the date of the FCDL. The FCDL was issued August 31, 2010.

However, this is a PIA issue that was not identified and could not have been identified until the invoicing process started which was after the 60 day window closed. The invoice that identified the issue was submitted to USAC on February 15, 2011.

In addition, the USAC denial reason does not address the issues raised in the original appeal to USAC.

Summary

- 1 – The FCDL was issued on August 31, 2010, approving the full amount of the funding request.
- 2 – An invoice was issued to USAC on February 15, 2011.
- 3 – The invoice was denied because, “USAC stated that the T-1 Channel Bank is ineligible because the facility runs over a T-1 facility. This is considered non basic service.

4 – In a subsequent an e mail string with USAC (see USAC Appeal) it was determined that the PIA reviewer coded the FRN as basic service.

5 – According to the USAC web site: Basic telephone service is defined as wireline or wireless single-line voice service (e.g., local, cellular, and/or long distance) as well as mandatory fees associated with such service (e.g., federal and state taxes, universal service fees, etc.).

6 – The item 21 submitted to PIA clearly shows local and long distance service for 18 lines. By the above definition this is not basic service.

7 – The PIA reviewer made an error in coding this FRN as basic service.

8 – Invoicing compounded the error by denying the T-1 Channel Bank request from the invoice.

9 – This FRN is for local and long distance service delivered over a T-1 line. According to the ESL this is an eligible service.

Justification for Granting the Appeal

1 – USAC did not address the issues identified in the original appeal.

2 – The item 21 correctly specified the type of service as local and long distance.

3 – The PIA reviewer made an incorrect decision in coding the FRN as basic service without any further input from the applicant.

4 – Please see the USAC appeal for the E mail string with USAC in Washington. I believe this issue could have been solved months ago had USAC simply admitted to a mistake and corrected the coding of the FRN. Instead we are wasting time and resources months later.

Request of the FCC

1 – We believe an error was made by the PIA reviewer in coding the FRN.

2 – We request this FRN be returned to USAC for further review.